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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,558	11/28/2000	Willard R. Fredregill	1340.006US1	7199

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EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/724,558

Applicant(s)

FREDREGILL ET AL.

Examiner

James W Myhre

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wendkos (5,983,196) in view of Freeman et al (6,450,407).

Claim 1: Wendkos discloses a method for awarding points for manufacturer coupons, comprising:

a. providing list of unique coupon identifiers to the product manufacturers who will incorporate the coupon identifier with the product packaging and distribute the products (col 2, lines 30-38);

b. reading and transmitting the identification data (coupon identifier) and the consumer identification data to a point host system (col 4, lines 4-10; col 7, lines 1-11; and col 9, lines 3-11); and

c. validating the coupon identifier and awarding points to the consumer's account (col 7, lines 1-11 and col 14, lines 20-32).

While Wendkos discloses the sponsor of the award program guaranteeing the prizes, and that the sponsor may be the manufacturer, retailer, a particular store, or another member of the supply chain (col 11, lines 49-60), it is not explicitly disclosed that the manufacturer will be billed based on the number of points awards associated with the unique coupon identifier. However, it is old and well known throughout the marketing arts to charge the coupon sponsor, whether the manufacturer, the retailer, or a third party, for the cost of the promotional program to include the prizes awarded. Furthermore, Freeman discloses a similar method for awarding points for manufacturer coupons and further discloses that in convention coupon redemption systems "the manufacturer subsequently reimburses the retailer for the cost of the redeemed coupon" (col 4, lines 17-21). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to bill the manufacturer for the value of the number of points awarded to the consumer when redeeming the coupon with the unique coupon identifier. One would have been motivated to bill the manufacturer (or whomever is sponsoring the awards program) in order to make the system financially viable and to fairly charge the appropriate sponsor(s).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Chelliah et al (5,710,887) discloses a method for awarding points for manufacturer coupons with unique coupons identifiers.

b. Ikeda et al (5,937,391) discloses a method for awarding and redeeming points for manufacturer coupons using an on-line shopping mall.

c. Kepecs (6,009,411) discloses a method for awarding and redeeming points for purchasing products containing uniquely identified certificates (coupons).

d. Biffar (6,047,269) discloses a method for awarding and redeeming digital vouchers (coupons) based on points.

e. Eggleston et al (6,061,660) discloses a method for issuing and redeeming coupons in which points are accumulated and redeemed for prizes from an awards catalog.

f. Narasimhan et al (6,237,145) discloses a method for issuing and redeeming coupons online in which the award may be bonus points.

g. Walker et al (6,415,262) discloses a method for issuing and redeeming points based on products purchased.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal and Official faxes is (703) 872-9306. Draft or Informal faxes may be submitted directly to the examiner at (703) 746-5544.

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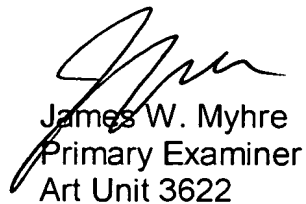
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM

February 23, 2004



James W. Myhre  
Primary Examiner  
Art Unit 3622